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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,410

09/28/2006

Georg Haselhorst

DE 040091

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06/23/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

06/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,410	Applicant(s) HASELHORST ET AL.	
	Examiner Thomas A. Hollweg	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/28/2006, 5/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on September 29, 2006, and May 30, 2007, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. The following claims are objected to because of the following informalities:
- a. Claim 3, containment pins lack antecedent basis. It is assumed for examination that the reference is to the containment elements of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al., U.S. Patent No. 5,936,350.
5. With regard to claim 1, in figures 1 and 3, Yoshida discloses a light burner (1) comprising: a discharge chamber (2b) containing a gas sealed in the discharge chamber (2b) by a seal (2a); a pair of electrode shafts (3), each of which partially intrudes from the seal (2a) into the discharge chamber (2b) whereby a wrapping (4), at least partially contained in the seal (2a), is freely wound around at least one of the

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electrode shafts (3) and constrained in its motion by a number of containment elements positioned along the longitudinal axis of the electrode (3) (col. 2, line 8 – col. 3, line 27).

6. With regard to claim 4, in figures 1 and 3, Yoshida discloses that the wrappings (4) are entirely contained by the quartz glass seals (2a) (col. 2, line 8 – col. 3, line 27).

7. With regard to claim 5, in figures 1 and 3, Yoshida discloses that a slight gap exists between the wrapping (4) and the electrode shaft (3) (col. 2, line 8 – col. 3, line 27).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida as applied to claim 1 above, in view of Ookubo et al., U.S. Patent No. 6,369,509 B1.

10. With respect to claim 2, all of the limitations are disclosed by Yoshida, as described in the rejection of claim 1, except Yoshida does not expressly disclose that the containment elements comprise pins affixed at certain portions along the lengths of the electrode shafts.

11. Ookubo, in figure 2, discloses a light burner having a wrapping (40) around the electrode shaft (20). The wrapping is kept in place by a groove (23) molded from the body of the electrode shaft (20) (col. 4, lines 28-51). One having ordinary skill in the art

would understand the shape of the containment feature molded into the body of the electrode shaft is a matter of design choice, as long as the feature effectively holds the wrapping in position.

12. Therefore, at the time of invention, it would have been an obvious design choice for a person having ordinary skill in the art to construct the Yoshida light burner where the containment elements comprise containment pins affixed at certain positions along the lengths of the electrode shafts. As taught by Ookubo, containment features molded into the body of the electrode shaft, such as grooves, pins, ridges, or other shapes, are effective in preventing the wrapping from moving (col. 4, lines 28-51).

13. With respect to claim 3, all of the limitations are disclosed by Yoshida, as described in the rejection of claim 1, except Yoshida does not expressly disclose that the containment elements are molded from the body of the electrode shaft.

14. Ookubo, in figure 2, discloses a light burner having a wrapping (40) around the electrode shaft (20). The wrapping is kept in place by a groove (23) molded from the body of the electrode shaft (20) (col. 4, lines 28-51). One having ordinary skill in the art would understand the shape of the containment feature molded into the body of the electrode shaft is a matter of design choice, as long as the feature effectively holds the wrapping in position.

15. Therefore, at the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Yoshida light burner where the containment elements are molded from the body of the electrode shaft, as taught by Ookubo. Containment features molded into the body of the electrode shaft, such as

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grooves, pins, ridges, or other shapes, are effective in preventing the wrapping from moving (col. 4, lines 28-51).

16. With regard to claims 6-10, the structural limitations therein are the same as those recited in claims 1-5, and those disclosed by Yoshida and Ookubo above.

Yoshida and Ookubo do not expressly disclose a method of fabricating the modified device. However, one having ordinary skill in the art would recognize that manufacturing the modified device will comprise Applicant's steps of forming the light burner device. Since only generic method steps are claimed, the structure disclosed by Yoshida and Ookubo, as discussed in the rejections of claims 1-5, meets Applicant's recited method step limitations. Therefore, at the time of invention it would have been obvious to one having ordinary skill in the art to construct the modified light burner device disclosed by Yoshida and Ookubo with the method of claims 6-10, since the method steps are obvious in the light of the resultant structure.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/Nimeshkumar Patel/
Supervisory Patent Examiner, Art Unit 2879